

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Genevieve Lamont	Team: Squad #8	CCRB Case #: 201901804	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 02/25/2019 12:30 PM	Location of Incident: Inside 90th Precinct stationhouse, outside 90th Precinct stationhouse	Precinct: 90	18 Mo. SOL 8/25/2020	EO SOL 4/11/2021	
Date/Time CV Reported Wed, 02/27/2019 1:28 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 02/27/2019 1:28 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Kitwane Lewis	04105	951915	090 PCT
2. POM Mina Adly	03567	961594	090 PCT
3. POM Rodrigo Fernandez	19608	944557	090 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Tejinder Singh	14167	959992	090 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Kitwane Lewis	Abuse: Inside the 90th Precinct stationhouse in Brooklyn, Sergeant Kitwane Lewis failed to provide § 87(2)(b) with a business card.	
B.POM Mina Adly	Abuse: Outside the 90th Precinct stationhouse in Brooklyn, Police Officer Mina Adly failed to provide § 87(2)(b) with a business card.	
C.POM Rodrigo Fernandez	Abuse: Outside the 90th Precinct stationhouse in Brooklyn, Police Officer Rodrigo Fernandez failed to provide § 87(2)(b) with a business card.	

### Case Summary

On February 27, 2019, § 87(2)(b) filed the following complaint with the CCRB online.

On February 25, 2019, at approximately 12:30 p.m., § 87(2)(b) went to the 90<sup>th</sup> Precinct stationhouse to speak with an officer ranking higher than a lieutenant. Upon arriving, he spoke with Sgt. Kitwane Lewis of the 90<sup>th</sup> Precinct. § 87(2)(b) and Sgt. Lewis engaged in a back and forth conversation, in which § 87(2)(b) requested that Sgt. Lewis call his superior, which Sgt. Lewis refused to do. § 87(2)(b) then asked Sgt. Lewis for his business card, which Sgt. Lewis refused to provide (**Allegation A: Abuse**; § 87(2)(g)).

§ 87(2)(b) then left the stationhouse and called 911, requesting to have a lieutenant on scene. PO Mina Adly and PO Rodrigo Fernandez of the 90<sup>th</sup> Precinct responded. The two officers had a back and forth with § 87(2)(b) in which they refused to radio their lieutenant if § 87(2)(b) did not provide a valid reason for needing one. § 87(2)(b) then asked PO Adly and PO § 87(2)(b) for their business cards, to which both officers responded that they did not have any (**Allegation B: Abuse**; § 87(2)(g) and **Allegation C: Abuse**, § 87(2)(g)). § 87(2)(b) took a picture of both officers' names and shield numbers and left the scene.

§ 87(2)(b) recorded audio of his conversations with Sgt. Lewis and PO Adly and PO Fernandez on his cellphone, which he provided to the investigation [BR01 and BR02, respectively]. There is no video footage of this incident.

### Findings and Recommendations

#### **Allegation (A) Abuse of Authority: Inside the 90th Precinct stationhouse in Brooklyn, Sergeant Kitwane Lewis failed to provide § 87(2)(b) with a business card.**

It is undisputed that Sgt. Lewis did not provide his business card to § 87(2)(b) when asked to do so.

§ 87(2)(b) testified that after a back and forth with Sgt. Lewis regarding calling a superior, he requested Sgt. Lewis's business card [BR03]. Sgt. Lewis responded, "Cards for what? I don't need to give you a card." Sgt. Lewis further informed § 87(2)(b) that he did not have a business card. § 87(2)(b) requested that he write down his information, to which Sgt. Lewis stated that he could see his information on his chest, which he puffed out. § 87(2)(b) then recorded on his cellphone, "Sgt. Lewis, doesn't have cards, #4105" [BR01].

Sgt. Lewis did not recall if § 87(2)(b) asked for his business card or his information [BR04]. He did not recall if he provided his information or business card to § 87(2)(b) during their interaction.

Audio recording from § 87(2)(b)'s cellphone captured § 87(2)(b) requesting a business card from Sgt. Lewis [BR01]. Sgt. Lewis can be heard providing his shield number "4105" in response. He is not heard informing § 87(2)(b) that he does not have business cards, but § 87(2)(b) stated in the recording that Sgt. Lewis was not equipped with business cards. Sgt. Lewis listened to the audio recording, in which he identified his voice, but could not identify if he was the officer speaking to § 87(2)(b) when a business card was requested. He acknowledged that his voice might have been heard in the distance, as he was by the front desk during this point in the incident.

According to Patrol Guide Procedure 203-09, uniformed members of service are to provide business cards, as appropriate, at the request of members of the public. Furthermore, members of service must allow members of the public ample time to write down identification information if supply of business cards become depleted [BR05]. Additionally, NYC

Administrative Code §14-174 requires that an officer shall offer a business card to any person requesting identifying information, or provide such information verbally to such person and allow sufficient time to record such information when such officer does not have an adequate number of business cards [BR12].

§ 87(2)(g)

**Allegation (B) Abuse of Authority: Outside the 90th Precinct stationhouse in Brooklyn, Police Officer Mina Adly failed to provide § 87(2)(b) with a business card.**  
**Allegation (C) Abuse of Authority: Outside the 90th Precinct stationhouse in Brooklyn, Police Officer Rodrigo Fernandez failed to provide § 87(2)(b) with a business card.**

It is undisputed that, while outside the 90<sup>th</sup> Precinct stationhouse, § 87(2)(b) requested business cards from PO Adly and PO Fernandez, which were not provided.

§ 87(2)(b) testified that after a back and forth conversation with PO Adly and PO Fernandez regarding calling a lieutenant or captain to scene, he requested the officers' business cards [BR03]. Both officers informed him that they did not have business cards. § 87(2)(b) requested to take a picture of their information, which he took on his cellphone.

PO Adly also testified that he, PO Fernandez, and § 87(2)(b) had a back and forth conversation regarding § 87(2)(b)'s request to call a lieutenant or captain on scene [BR06]. He, however, denied that § 87(2)(b) requested their business cards. PO Adly was played an audio recording of the interaction from § 87(2)(b)'s cellphone, in which § 87(2)(b) can be heard requesting business cards from the officers [BR02]. PO Adly testified that § 87(2)(b) asked for "cards", not business cards, and did not know what he was referring to [BR07]. PO Adly stated he was equipped with business cards at the time.

PO Fernandez's testimony mostly aligned with PO Adly's. However, he acknowledged that § 87(2)(b) asked for their business cards, but that he was not equipped with them at the time [BR08]. PO Fernandez offered to write down his information for § 87(2)(b) which can be heard on the audio recording [BR02]. § 87(2)(b) instead requested to take a picture of the officer's information, which he did on his cellphone.

According to Patrol Guide Procedure 203-09, uniformed members of service are to provide business cards, as appropriate, at the request of members of the public. Furthermore, members of service must allow members of the public ample time to write down identification information if supply of business cards become depleted [BR05]. Additionally, NYC Administrative Code §14-174 requires that an officer shall offer a business card to any person requesting identifying information, or provide such information verbally to such person and allow sufficient time to record such information when such officer does not have an adequate number of business cards [BR12].

§ 87(2)(g)

§ 87(2)(g) [REDACTED]  
[REDACTED]  
[REDACTED]  
§ 87(2)(g) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

### **Civilian and Officer CCRB Histories**

- § 87(2)(b) [REDACTED]  
[REDACTED]  
[REDACTED]
- Sgt. Lewis has been a member of service for seven years and has been subject in nine CCRB complaints and 22 allegations, none of which have been substantiated. Sgt. Lewis has three open CCRB cases:
  - Case #201904825, in which § 87(2)(g) [REDACTED] a search of a person allegation is pled.
  - Case #201904853, in which two vehicle search allegations and one frisk allegation is pled.
  - § 87(2)(g) [REDACTED]Sgt. Lewis's CCRB history does not reflect any pattern pertinent to this investigation.
- PO Adly has been a member of service for two years. This is the first CCRB complaint in which he has been a subject of. § 87(2)(g) [REDACTED]  
[REDACTED]
- PO Fernandez has been a member of service for 11 years. This is the first CCRB complaint in which he has been a subject of. § 87(2)(g) [REDACTED]  
[REDACTED]

### **Mediation, Civil and Criminal Histories**

- Mediation was attempted for this complaint, and was unsuccessful.
- According to the New York City Office of the Comptroller, § 87(2)(b) [REDACTED] has not filed a Notice of Claim regarding this incident as of June 21, 2019 [BR10].
- According to the Office of Court Administration (OCA), § 87(2)(b) [REDACTED] has no criminal conviction history in New York City [BR11].

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Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date